Case: 4:24-cv-01736-AGF Doc. #: 24 Filed: 05/05/25 Page: 1 of 2 PageID #: 109

UNITED STATES DISTRICT COURT EASTERN DISTRICT OF MISSOURI EASTERN DIVISION

STEVE CHALMERS,)	
Plaintiff,)	
VS.)) C	Case No. 4:24-cv-01736-AGF
VERNON BETTS, et al.,)	
Defendants.)	

MEMORANDUM AND ORDER

This matter is before the Court on Plaintiff Steve Chalmers' Notice of Voluntary Dismissal Pursuant to Fed.R.Civ.P.41(a)(1)(A)(ii). ECF No. 23. The Court interprets Plaintiff's filing as a motion for leave to dismiss, which will be denied for the reasons set forth below.

Under Federal Rule of Civil Procedure 41(a)(1)(A)(ii) and (a)(2), Plaintiff may only dismiss this action by filing a stipulation of dismissal signed by all parties who have appeared or by Court order on terms the Court considers proper. Plaintiff references Rule 41(a)(1)(A)(ii) in his motion, but has not filed a stipulation signed by all parties. Because Plaintiff has failed to submit a stipulation of dismissal signed by all parties and has not indicated whether he seeks to dismiss this case with or without prejudice, the Court will deny his motion, with leave to refile.

The Court further notes that Defendants filed a motion to dismiss Plaintiff's Amended Complaint on April 18, 2025. ECF No. 22. Plaintiff has not responded to that motion and the time to do so has now expired. If the case is not dismissed, Plaintiff must

show cause as to why Defendants' motion to dismiss should not be granted.

Accordingly,

IT IS HEREBY ORDERED that Plaintiff's motion for leave to dismiss is **DENIED**. ECF No. 23.

IT IS FURTHER ORDERED that if the case is not dismissed by stipulation or on proper motion, Plaintiff must show cause on or before May 12, 2025, why Defendants' motion to dismiss should not be granted.

Dated this 5th day of May, 2025.

AUDREY G. FLÉISSÍÓ

UNITED STATES DISTRICT JUDGE